

### **REMARKS**

In the Office Action, claims 11-15, 35-37, and 53-55 were rejected. By the present Response, claims 11, 35, and 53-55 are amended. Upon entry of the amendments, claims 11-15, 35-37, and 53-55 will remain pending in the present patent application. Reconsideration and allowance of all pending claims are respectfully requested.

#### **Claim Rejections under 35 U.S.C. § 101**

In the Office Action, the Examiner rejected claims 53-55 under 35 U.S.C. § 101 as directed to non-statutory subject matter. However, this rejection is believed moot in view of the amendment to claim 53 (as suggested by the Examiner). Applicants respectfully request the Examiner withdraw the foregoing rejection.

#### **Claim Rejections under 35 U.S.C. § 103(a)**

The Examiner rejected claims 11-15, and 53 under 35 U.S.C. § 103(a) as unpatentable over Wang et al. (U.S. Patent No. 6,212,291, hereinafter “Wang”) and to Nishihara (U.S. Patent No. 4,847,694, hereinafter “Nishihara”). The Examiner rejected dependent claims 36, 37, 54, and 55 under 35 U.S.C. § 103(a) as being unpatentable over the combination of Wang and Nishihara as applied to claims 35 and 53 above, and further in view of Avila et al. (U.S. Patent No. 6,947,584, hereinafter “Avila”). Applicant respectfully traverses these rejections.

#### **Legal Precedent**

The burden of establishing a *prima facie* case of obviousness falls on the Examiner. *Ex parte Wolters and Kuypers*, 214 U.S.P.Q. 735 (PTO Bd. App. 1979). To establish a *prima facie* case, the Examiner must show that the combination includes *all* of the claimed elements, *and* also a convincing line of reason as to why one of ordinary skill in the art would have found the claimed invention to have been obvious in light of the teachings of the references. *Ex parte Clapp*, 227 U.S.P.Q. 972 (B.P.A.I. 1985). The Examiner must provide objective evidence, rather than subjective belief and unknown

authority, of the requisite motivation or suggestion to combine or modify the cited references. *In re Lee*, 61 U.S.P.Q.2d 1430 (Fed. Cir. 2002). Further, the Supreme Court has recently stated that the obviousness analysis should be explicit. *See KSR Int'l Co. v. Teleflex, Inc.*, 82 U.S.P.Q.2d 1385 (U.S. 2007) (“[R]ejections based on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.”) (quoting *In re Kahn*, 441 F.3d 977,988 (Fed. Cir. 2006)).

### ***Deficiencies of the Rejection of the Independent Claims***

All independent claims are directed to the processing of a digitized sheet of film having a *number* of images. Conversely, the Wang processing technique is applied to one image. While the single image processed in Wang may have a plurality of radiation fields and collimation regions, it is indeed a single image. *See, e.g.*, Wang, Abstract; col. 4, line 21 – col. 5, line 55; col. 6, lines 45-67; Figure 10. To be sure, Wang simply does not contemplate, much less teach, the processing of a digitized sheet of film having *a number of discretely or separately acquired images*. Moreover, undeniably, the Wang processing technique simply could not read on the present claims in any case. Further, the secondary reference, Nishihara, does not obviate these deficiencies of Wang. Therefore, all present claims are patentable over the cited combination of Wang and Nishihara (relied on by the Examiner to reject the independent claims).

In addition, with the remaining rejections of dependent claims, the cited secondary references do not obviate the deficiencies of Wang (or Nishihara) discussed above with regard to the independent claims. Accordingly, Applicants respectfully request the Examiner withdraw all foregoing rejections under § 103.

**Conclusion**

In view of the remarks and amendments set forth above, Applicants respectfully request allowance of the pending claims. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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/Floron C. Faries/

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